

BOARD OF HEALTH MEETING

February 13, 2013

Lower Hearing Room, Administration Building

CALL TO ORDER: Dr. John Straus called the meeting to order at 7:35 PM.

PRESENT: Dr. John Straus, Dr. Barbara Beck, and Kristel Bennett.

Minute Review: The Board of Health reviewed the minutes of the January 16, 2013 meeting. Dr. Barbara Beck made a motion to accept the minutes of the January 16, 2013 meeting. Dr. John Straus stepped down as Chair and seconded the motion. All were in favor.

380 Mt Auburn Street: Kristel Bennett informed the Board that the tenants of 380 Mt Auburn Street, Ann Elwell and George Davidson were before the Board for a status hearing to provide an update to the Board as to the compliance with the November 11, 2012 Board of Health decision and the October 11, 2012 Health Department order to correct letter. Mrs. Bennett presented the findings of the Health Department inspections of the dwelling unit. Mrs. Bennett informed the Board that a professional organizer has worked with the tenants to try to achieve compliance with the October 11, 2012 Health Department order letter. Mrs. Bennett made a recommendation to provide more time with the professional organizing services for the tenants. After much discussion thereof, Dr. Barbara Beck made a motion to grant the request for modification of compliance time, the tenants of 380 Mt Auburn Street, Ann Elwell and George Davidson, must make continue to make progress toward compliance with the order letter dated October 11, 2012, compliance must be achieved by April 17, 2013. The tenants must agree to comply with the Case Management Agreement and continue to accept the professional organizing services. The tenants must appear at the April 17, 2013 Board of Health meeting. If the violations listed in the October 11, 2012 order letter remain unabated by April 17, 2013 then a court complaint may be filed against the tenants of 380 Mt Auburn Street in Waltham District Court for non-compliance with the order letter October 11, 2012. Dr. John Straus stepped down as chair and seconded the motion. All were in favor.

20 Riverside Street #2-1: Kristel Bennett informed the Board that the owner/occupant of the dwelling unit located 20 Riverside Street #2-1 had complied with the condemnation order dated January 29, 2013. Mrs. Bennett informed the Board that an inspection conducted on February 13, 2013 revealed the violations listed in the condemnation order dated January 29, 2013 no longer exist. After much discussion thereof, Dr. Barbara Beck made a motion to withdraw the condemnation order of January 29, 2013 based of the February 13, 2013 inspection report that the conditions noted on January 28, 2013 and listed in the January 29, 2013 no longer exist. In addition, the owner/occupant is required to accept the services of a Health Department professional organizer for monthly follow-up visits to ensure that the owner/occupant continues to comply with the January 29, 2013 Health Department condemnation order. Dr. John Straus stepped down as chair and seconded the motion. All were in favor.

Red Lentil: Kristel Bennett informed the Board that the owner of Red Lentil, Pankaj Pradham, was before the Board for an administrative hearing to show cause as to why the Board should not suspend Red Lentil's Permit to Operate a Food Establishment for failure to comply with the December 19, 2012 inspection, the Board of Health order, and the State Sanitary Code 105 CMR 590.000. Pankaj Pradham provided documentation and updated the Board as to compliance with December 19, 2012 inspection. Mrs. Bennett informed the Board that a reinspection was conducted on February 13, 2013; this revealed compliance with the December 19, 2012 inspection, the Board of Health order, and the State Sanitary Code 105 CMR 590.000. After much discussion thereof, Dr. Barbara Beck made a motion that Red Lentil must continue to maintain compliance with Food Code and the State Sanitary Code 105 CMR 590.000. Red Lentil must continue to maintain all non-food contact surfaces free of all grease accumulation and food residues. The Health Department will conduct unannounced inspections to ensure compliance with the Food Code and the State Sanitary code 105 CMR 590.000. Should further non-compliance with the Food Code and the State Sanitary Code 105 CMR 590.000 be documented then Red Lentil's Permit to Operate a Food Establishment may be suspended or revoked. Dr. John Straus stepped down as chair and seconded the motion. All were in favor.

9 Thurston Road: Kristel Bennett informed the Board the owner of 9 Thurston Road, Kinda Romanos was before the Board for an administrative hearing to request modification of compliance time with the administrative order letter dated December 21, 2012. Kinda Romanos requested modification of compliance time for violations numbered 2, 3, 4, 5, 8, 9, and 11. Ms. Romanos informed the Board of her plans to comply with the order letter dated December 21, 2012. Mrs. Bennett informed the Board that a reinspection was conducted on January 14, 2013 and it was revealed the violation #12 was outstanding. After much discussion thereof, the Board made a motion to approve the request to modify compliance time with the order to correct letter dated December 21, 2012. The owner must correct violation #12 by February 20, 2012. All other violations listed in the order to correct letter dated December 21, 2012 must be corrected by April 1, 2013. If the violations remain unabated by April 1, 2013 then a court complaint will be filed against the owner of 9 Thurston Road in Waltham District Court for non-compliance with the order letter dated December 21, 2012. Dr. John Straus stepped down as chair and seconded the motion. All were in favor.

Russo & Son's: Kristel Bennett informed the Board that Russo & Son's were before the Board for a status hearing, to update the Board as to the progress with the December 19, 2012 Board of Health decision. The owner Michael Russo and Food Consultant, Dirk Keifor were present and informed the Board of the renovations to be completed by April 2013. Dirk Keifor made a request to the Board to begin use of the reduce oxygen packaging machine. Mrs. Bennett informed the Board that Russo & Son's would need to request to the Board of Health for a variance from the requirements of the Food Code and State Sanitary Code 105 CMR 590.000 to be approved to use reduced oxygen packaging. Mrs. Bennett informed the Board and Russo & Son's that she would be willing to review the proposed Hazard Analysis Critical Control Point Plan for Reduced Oxygen Packaging at Russo & Son's. After much discussion thereof, Dr. Barbara Beck made a motion to ratify the December 19, 2012 Board of Health decision, that include but is not limited to: continuing to retain the services of Professional Food Consultant for a period of six months; the Professional food Consultant must provide bi-monthly audits to the Health Department; Russo & Son's must provide two ServSafe certified food employees per shift per department and management trained; the food employees and management must be ServSafe certified by February 20, 2013. Russo & Son's must appear at the next Board of

Health meeting for a status hearing. Russo & Son's must provide proof of the management and food employees required to be ServSafe certified to the Health Department by February 20, 2013. Failure to comply with this order may result in the suspension or revocation of Russo & Son's Permit to Operate a Food Establishment. Dr. John Straus stepped down as chair and seconded the motion. All were favor.

Tedeschi: Kristel Bennett informed the Board that Tedeschi Food Shops at 164 Main Street was before the Board of Health to show cause as to why the Board of Health should not suspend or revoke Tedeschi's Tobacco & Nicotine Delivery Products Sales and Location Permit for a second violation of the Regulations of the Watertown Board of Health Restricting the Sale of Tobacco Products & Nicotine Delivery Products. Present at the hearing from Tedeschi Food Shop were Joseph Green, Kellie Connolly, and Mike Sullivan. Kristel Bennett presented the findings of the January 10, 2013 tobacco compliance check. Mrs. Bennett informed the Board that on January 10, 2013 a minor entered the establishment and purchased a pack of cigarettes, and this was the second violation within twenty-four months of the first violations of the Board of Health Regulations Restricting the Sale of Tobacco & Nicotine Delivery Products. The first violation occurred on January 25, 2012. Mr. Green and Ms. Connolly informed the Board of the corrective actions Tedeschi Food Shop has taken. Corrective actions include a management action plan that has been implemented and a Computerized Based Training (CBT) each employee has to take prior to retailing tobacco products.

After hearing the findings from Kristel Bennett, Joseph Green, Kellie Connolly, and Mike Sullivan, and after much discussion thereof, Dr. Beck made a motion, acting under the authority of the Board of Health Regulations Restricting the Sale of Tobacco Products & Nicotine Delivery Products, Section G (3)(b) "Violations and Enforcement" to hereby suspends the Tobacco Sales and Nicotine Delivery Products Sales Permit of Tedeschi Food Shop at 164 Main Street for seven (7) consecutive business days. All employees that are associated with the sale of Tobacco and Nicotine Delivery Products must attend a mandatory Tobacco Retailer Education Training provided by the Watertown Health Department. The Tobacco & Nicotine Delivery Products Sales Permit suspension shall begin on Tuesday, February 19, 2013 at 7:00 AM and end at the close of business on Tuesday, February 26, 2013 at 6:59 AM. . In accordance with

Board of Health

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Regulations of the Watertown Board of Health Restricting the Sale of Tobacco Products and Nicotine Delivery Products, Section G 7 all Tobacco Products and Nicotine Delivery Products shall be removed from the retail Establishment or be placed in boxes that are sealed and moved out of the public area of the Establishment to a separate room that is accessible only to the employees. Failure to remove all Tobacco and Nicotine Delivery Products shall constitute a separate violation of this regulation. All employees that are associated with the sale of Tobacco and Nicotine Delivery Products must attend a mandatory Tobacco Retailer Education Training provided by the Watertown Health Department The Tobacco Retail Education Training is scheduled for Thursday, February 21, 2013 at 3:00 PM. Dr. John Straus stepped down as chair and seconded the motion. All were in favor.

Metrics & SOP Update: Peter Wilner, the Health Department Policy Analyst provided an update to the Board. Mr. Wilner is shadowing inspections and meeting with Kristel Bennett to develop Standard Operating Procedures and an electronic tracking system to capture needed metrics and generate required reports.

Next Meeting Date: March 20, 2013

Adjourn: 10:00 PM

Minutes: Submitted by Kristel Bennett, Chief Environmental Health Officer